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| 09/586,813 | 06/05/2000 | Bradley L. Northman | GEN10 P-318A | 8719 |

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EXAMINER

ROWE, JESSE C

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| ART UNIT | PAPER NUMBER |
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2872

DATE MAILED: 02/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/586,813

Applicant(s)

NORTHMAN ET AL.

Examiner

Jesse C Rowe

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/18/2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 8 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 8, lines 20-24 claims “a third light source associated with said second indicia symbol” but also claims “a second light source associated with said second indicia symbol”. No claim is made of a light source for the third indicia symbol but a claim is made wherein “said first, second, and third light sources are independently activated from one another so as to independently illuminate said first, second, and third indicia symbols”. For examination purposes, claim 8, line 22, “said second indicia symbol” has been interpreted as “said third indicia symbol”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Deline et al (USPN 6,172,613) in view of Gallmeyer (USPN 4,882,565).

Regarding claim 1, Deline et al discloses a mirror comprising: a housing (Figure 25): a mirror subassembly including a reflector layer with a portion defining an opening (column 31, lines 45-46); an indicia panel covering the opening and configured to form a visual display having a characteristic color (Figure 25, column 31, lines 52-54); and at least one light source positioned in the housing to pass light through the indicia panel and the opening of the mirror subassembly to selectively illuminate the visual display (Figures 25 and 26). Deline et al lacks the at least one light source emitting a light matched in color to the characteristic color of the visual display of the indicia panel. Gallmeyer discloses a mirror with the at least one light source emitting a light matched in color to the characteristic color of the visual display of the indicia panel (column 8, lines 4-8; the at least one light source has to inherently be matched in color to the characteristic color of the visual display of the indicia panel or else no light would be visible). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the light source of Deline et al to emit a light matched in color to the characteristic color of the visual display of the indicia panel to make the display clearly visible.

Regarding claim 3, Deline et al discloses a mirror wherein the indicia panel has an alphanumeric visual display formed thereon (Figure 25).

Regarding claim 4, Deline et al discloses the instant invention but lacks wherein the color of the at least one light source is non-white. Gallmeyer discloses a mirror wherein the color of the at least one light source is non-white (column 8, lines 4-8). Therefore, it would have been

obvious to one of ordinary skill in the art at the time of invention to modify the at least one light source of Deline et al to be non-white as taught by Gallmeyer to have a colorful display.

Regarding claim 5, Deline et al discloses the instant invention but lacks wherein the color is amber. Gallmeyer discloses a mirror wherein the color of the at least one light source is amber (column 8, lines 4-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the at least one light source of Deline et al to be amber as taught by Gallmeyer for the purpose of creating a bright and easily visible display for the vehicle driver of a pleasing color.

Regarding claim 6, Deline et al discloses the instant invention but lacks wherein the indicia panel includes a diffuser layer having a color matching the at least one light source. Gallmeyer discloses a mirror wherein the indicia panel includes a diffuser layer having a color matching the at least one light source (column 8, lines 4-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify at least one light source of Deline et al emitting light matched in color to the characteristic color of the visual display as taught by Gallmeyer to make the display clearly visible

Regarding claim 7, Deline et al discloses a mirror wherein said indicia panel includes indicia symbols defining a passenger supplemental inflatable restraint status display.

Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Deline et al in view of Gallmeyer as applied to claim 1 above, and further in view of O'Farrel et al (USPN 5,253,109).

Deline et al in view of Gallmeyer discloses the instant invention. Deline et al also discloses a mirror wherein the mirror subassembly includes an electrochromic mirror subassembly (column 28, lines 41-42). Deline et al in view of Gallmeyer lacks wherein the electrochromic mirror subassembly includes front and rear transparent elements, and a layer of electrochromic material associated with the front and rear transparent elements, the reflector layer being associated with the rear transparent element. O'Farrel et al discloses a mirror wherein the mirror subassembly includes an electrochromic mirror subassembly (column 3, lines 38-44), the electrochromic mirror subassembly including front (24) and rear (32) transparent elements (column 3, lines 38-40), and a layer of electrochromic material (column 4, lines 39-57) associated with the front and rear transparent elements, the reflector layer being associated with the rear transparent element (column 3, lines 48-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the electrochromic mirror of Deline et al in view of Gallmeyer to have structure as taught by O'Farrel et al to have a mirror that can darken.

Claims 8-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Deline et al (USPN 6,172,613) in view of Deline et al (USPN 6,172,613) and Deline et al (USPN 6,172,613) and further in view of Gallmeyer (USPN 4,882,565).

Regarding claim 8, Deline et al discloses a vehicle rearview mirror assembly comprising: a housing (Figure 25); a mirror subassembly disposed in said housing and including at least one transparent element and a reflector layer associated with said at least one transparent element (478), a portion of said reflector layer defining an opening (column 31, lines 45-46); and a

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passenger supplemental inflatable restraint display for displaying the enablement status of passenger supplemental inflatable restraint (476), said display comprising: an indicia panel disposed in said housing behind said mirror subassembly so as to cover the opening in said reflector layer (Figure 25 and 26), said indicia panel including an opaque region and a plurality of substantially non-opaque regions defining a plurality of indicia symbols (Figure 25; column 31, lines 52-54), said plurality of indicia symbols including a first indicia symbol (476, "PASSENGER AIR BAG"), a second indicia symbol (476, air bag symbol), and a third indicia symbol (476, "ON"), wherein at least one of said substantially non-opaque regions define said first indicia symbol (Figure 25), and wherein said indicia symbols include alphanumeric letters (Figure 25); and a plurality of light sources positioned in said housing to transmit amber colored light through said substantially non-opaque regions of said indicia panel (column 30, lines 18-20) and through said mirror subassembly to selectively display the illuminated indicia symbols (Figure 25 and 26), wherein said plurality of light sources includes at least a first light source associated with said first indicia symbol (486), a second light source associated with said second indicia symbol (486), and a third light source associated with said third indicia symbol (486). Deline et al lacks wherein at least one of said substantially non-opaque regions has an amber color and wherein said first, second, and third light sources are independently activated from one another so as to independently illuminate said first, second, and third indicia symbols; and a baffle subassembly disposed between said light sources and said indicia panel such that light from said first light source does not illuminate said second and third indicia symbols, light from said second light source does not illuminate said first and third indicia symbols, and light from said third light source does not illuminate said first and second indicia symbols. Deline et al

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discloses a vehicle rearview mirror assembly wherein said first, second, and third light sources are independently activated from one another so as to independently illuminate said first, second, and third indicia symbols (column 11, lines 48-60); and a baffle subassembly disposed between said light sources and said indicia panel such that light from said first light source does not illuminate said second and third indicia symbols (column 11, lines 48-60; Figure 8), light from said second light source does not illuminate said first and third indicia symbols (column 11, lines 48-60; Figure 8), and light from said third light source does not illuminate said first and second indicia symbols (column 11, lines 48-60; Figure 8). Gallmeyer discloses a vehicle rearview mirror assembly wherein at least one of said substantially non-opaque regions has an amber color (column 8, lines 4-6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the light sources of Deline et al to be independently illuminated as taught by Deline et al, to modify the light sources of Deline et al to have baffles disposed between them as taught by Deline et al and to make at least one of the non-opaque regions have an amber color as taught by Gallmeyer to make the air bag status indicator work, block stray light from other sources and to block non-amber light (column 8, lines 4-8), respectively.

Regarding claim 9, Deline et al discloses a vehicle rearview mirror assembly wherein said first indicia symbol includes a plurality of alphanumeric letters spelling the words "PASSENGER AIR BAG." (476)

Regarding claim 10, Deline et al discloses the instant invention but lacks wherein said second indicia symbol includes a plurality of alphanumeric letters spelling the word "OFF." Deline et al discloses a vehicle rearview mirror assembly wherein said second indicia symbol includes a plurality of alphanumeric letters spelling the word "OFF." (424) Therefore, it would

have been obvious to one of ordinary skill in the art at the time of invention to make the second indicia symbol of Deline et al to be "OFF" as taught by Deline et al to signify when the air bag is disabled (column 29, lines 4-7).

Regarding claim 11, Deline et al discloses a vehicle rearview mirror assembly wherein said third indicia symbol includes a plurality of alphanumeric letters spelling the word "ON."
(476)

Regarding claim 12, Deline et al discloses a vehicle rearview mirror assembly wherein said first light source includes a plurality of LEDs (486, Figure 26).

Claim 13-15 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Deline et al in view of Deline et al and Deline et al and further in view of Gallmeyer as applied to claims 8-12 above, and further in view of Weinstein (USPN 3,795,067).

Regarding claim 13 and 18, Deline et al in view of Deline et al and Deline et al and further in view of Gallmeyer discloses the instant invention but lacks wherein said indicia panel includes at least one registration hole and wherein said housing includes at least one registration protrusion for engaging said registration hole. Weinstein et al discloses an indicia panel (40) wherein the indicia panel includes at least one registration hole (44) and wherein said housing includes at least one registration protrusion (38) for engaging said registration hole. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the indicia panel of Deline et al in view of Deline et al and Deline et al and further in view of Gallmeyer to include at least one registration hole as taught by Weinstein to correctly align the indicia panel.

Regarding claim 14, Deline et al in view of Deline et al and Deline et al and further in view of Gallmeyer discloses the instant invention but lacks wherein said indicia panel includes two registration holes and wherein said housing includes two registration protrusions for respectively engaging said registration holes. Weinstein et al discloses an indicia panel (40) wherein the indicia panel includes two registration holes (42 and 44) and wherein said housing includes two registration protrusions (36 and 38) for engaging said registration holes. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the indicia panel of Deline et al in view of Deline et al and Deline et al and further in view of Gallmeyer to include two registration holes as taught by Weinstein to correctly align the indicia panel.

Regarding claim 15, Deline et al in view of Deline et al and Deline et al and further in view of Gallmeyer discloses the instant invention, including wherein said housing includes a bezel (column 28, lines 53-55) but lacks wherein said two registration protrusions protrude from said bezel. Weinstein et al discloses a frame wherein two registration protrusions protrude from said frame. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the bezel of Deline et al in view of Deline et al and Deline et al and further in view of Gallmeyer to include two registration protrusions to help in alignment.

Claim 16-17 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Deline et al in view of Deline et al and Deline et al and further in view of Gallmeyer and further in view of Weinstein as applied to claims 8-12 and 14-15 above, and further in view of Deline et al (USPN 6,172,613) and further in view of Trine et al (USPN 4,803,599).

Regarding claim 16, Deline et al in view of Deline et al and Deline et al and further in view of Weinstein disclose the instant invention but lack a printed circuit board disposed in said housing substantially parallel to a rear surface of said mirror subassembly and wherein said light sources include LEDs that are surface mounted to said printed circuit board. Deline et al discloses a vehicle rearview mirror assembly wherein a printed circuit board disposed in said housing substantially parallel to a rear surface of said mirror subassembly (Figure 15). Trine et al discloses a printed circuit board wherein said light sources include LEDs that are surface mounted to said printed circuit board (Figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the vehicle rearview mirror assembly of Deline et al in view of Deline et al and Deline et al and further in view of Gallmeyer and further in view of Weinstein to include the circuit board mounted substantially parallel to a rear surface of said mirror subassembly as taught by Deline et al and to modify the LED light sources of Deline et al in view of Deline et al and Deline et al and further in view of Gallmeyer and further in view of Weinstein to be surface mounted as taught by Trine et al to make the vehicle rearview mirror assembly thinner and to form better connections to the LEDs, respectively.

Regarding claim 17 and 19, Deline et al in disclose a vehicle rearview mirror assembly wherein said mirror subassembly is an electrochromic mirror subassembly (column 31, lines 48-50).

Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Deline et al (USPN 6,172,613) in view Deline et al (USPN 6,172,613) and Trine et al (USPN 4,803,599) and further in view of Gallmeyer (USPN 4,882,565).

Deline et al discloses a rearview mirror assembly for a vehicle, comprising: a housing (Figure 25); a mirror subassembly including a reflector layer with a portion defining an opening (column 31, lines 45-46); an indicia panel covering the opening and configured to form a visual display having a characteristic color (Figure 25; column 31, lines 52-54) and a plurality of LEDs (486) positioned in the housing to pass light through the indicia panel and the opening of the mirror subassembly to selectively illuminate the visual display. Deline et al lacks a printed circuit board disposed in said housing substantially parallel to a rear surface of said mirror subassembly; and wherein said plurality of LEDs are mounted to said printed circuit board, and wherein said plurality of LEDs emitting light matched in color to the characteristic color of the visual display of the indicia panel. Deline et al discloses a rearview mirror assembly for a vehicle wherein a printed circuit board is disposed in said housing substantially parallel to the rear surface of said mirror subassembly (Figure 15). Trine et al discloses a printed circuit board wherein a plurality of LEDs are mounted to said printed circuit board (Figure 8). Gallmeyer discloses a rearview mirror assembly for a vehicle wherein said plurality of LEDs emitting light matched in color to the characteristic color of the visual display (column 8, lines 4-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify housing of Deline et al to include a circuit board posed in said housing substantially parallel to the rear surface of said mirror as taught by Deline et al, to modify the plurality of LEDs of Deline et al to be mounted on a circuit board as taught by Trine et al and to make the

plurality of LEDs of Deline et al emitting light matched in color to the characteristic color of the visual display as taught by Gallmeyer to make the housing thinner, to form better connections to the LEDs and to make the display clearly visible, respectively.

Response to Arguments

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

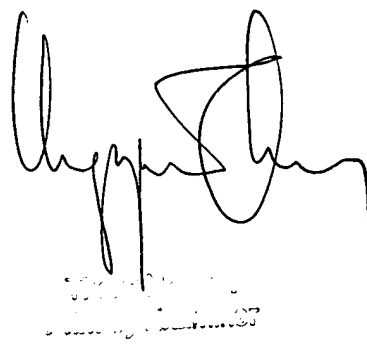
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse C Rowe whose telephone number is (703)305-7018. The examiner can normally be reached on Regular M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on (703)308-1687. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7018 for regular communications and (703)305-7018 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-7018.

JR
January 27, 2003

A handwritten signature in black ink, appearing to be "Cassandra Spyrou", with a large, stylized flourish at the end.